

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**TWENTY-FIFTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 2, 2012**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Higgins. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Morris, Page.

### Approval of Journal

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

### CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Kathleen Sims, State Representative, District 4, House Seat B, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Gary John Ingram of Coeur d' Alene, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Gary John Ingram, Acting State Representative, District 4, House Seat B, Kootenai County, State of Idaho, for a term commencing on February 2, 2012, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 30th day of January, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER  
Governor  
/s/ BEN T. YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Gary John Ingram.

February 1, 2012

Mr. Speaker:

I transmit herewith [S 1225](#) which has passed the Senate.

NOVAK, Secretary

[S 1225](#) was filed for first reading.

February 1, 2012

Mr. Speaker:

I return herewith [H 356](#) which has passed the Senate.

NOVAK, Secretary

[H 356](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

February 1, 2012

Mr. Speaker:

I return herewith enrolled [H 355](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 355](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

### Report of Standing Committees

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 31](#), [H 446](#), [H 447](#), [H 448](#), [H 449](#), [H 450](#), [H 451](#), [H 452](#), [H 453](#), and [H 454](#).

WILLS, Chairman

[HCR 31](#) was filed for second reading.

[H 446](#) was referred to the Resources and Conservation Committee.

[H 447](#) was referred to the Business Committee.

[H 448](#), [H 449](#), and [H 450](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 451](#), [H 452](#), [H 453](#), and [H 454](#) were referred to the State Affairs Committee.

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 360](#), [H 361](#), and [H 362](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 360](#), [H 361](#), and [H 362](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 383](#), [H 385](#), [H 386](#), and [H 393](#) and recommend that they do pass.

NONINI, Chairman

[H 383](#), [H 385](#), [H 386](#), and [H 393](#) were filed for second reading.

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 374](#) and [H 375](#) and recommend that they do pass.

BLACK, Chairman

[H 374](#) and [H 375](#) were filed for second reading.

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 437](#) and [H 438](#) and recommend that they do pass.

LAKE, Chairman

[H 437](#) and [H 438](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 455  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-717D, IDAHO CODE, TO DELETE PROVISIONS PROHIBITING A CERTAIN RETAINER AND TO REVISE LANGUAGE REGARDING PAYMENT OF CERTAIN FEES AND COSTS OF THE PARENTING COORDINATOR.

**HOUSE BILL NO. 456  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-1508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CHILDREN WITH FIREARMS FOR HUNTING.

**HOUSE BILL NO. 457  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-405, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF CONTROLLED HUNT TAGS AND CONTROLLED HUNT PERMITS TO CERTAIN MINOR CHILDREN OR GRANDCHILDREN BY PARENTS AND GRANDPARENTS AND TO PROVIDE THAT SUCH DESIGNATED TAGS AND PERMITS CANNOT BE SOLD.

**HOUSE BILL NO. 458  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-406, IDAHO CODE, TO PROVIDE THAT

A WOLF TAG WILL BE INCLUDED WITH TAGS ISSUED WITH LICENSES OF THE EIGHTH CLASS; AND AMENDING SECTION 36-416, IDAHO CODE, TO INCREASE THE FEE FOR SPORTSMAN'S PAK LICENSES.

**HOUSE BILL NO. 459  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE FOR NONRESIDENT HUNTING WITH THREE DAY FISHING LICENSES; AND AMENDING SECTION 36-416, IDAHO CODE, TO REVISE A NONRESIDENT FEE AND TO PROVIDE A FEE FOR NONRESIDENT HUNTING WITH THREE DAY FISHING LICENSES.

**HOUSE BILL NO. 460  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO OIL AND GAS WELLS; AMENDING SECTION 47-320, IDAHO CODE, TO REQUIRE CERTAIN NOTICE AND PERMIT RELATING TO TREATING WELLS FOR OIL OR GAS AND TO REVISE FEE PROVISIONS RELATING TO PERMITS FOR DRILLING AND TREATING WELLS FOR OIL OR GAS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 461  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE THAT QUALIFIED ORGANIZATIONS THAT CERTIFY DISABLED MILITARY VETERANS ELIGIBLE IN REGARD TO ISSUANCE OF FREE BIG GAME PERMITS OR TAGS MAY INCLUDE NONPROFIT ORGANIZATIONS THAT ARE QUALIFIED UNDER SECTION 501(c)(19) OF THE INTERNAL REVENUE CODE.

**HOUSE BILL NO. 462  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO PUBLIC UTILITY REGULATION; AMENDING SECTION 61-114, IDAHO CODE, TO REVISE THE DEFINITION OF "PIPELINE" AND TO DEFINE "GATHERING LINES"; AMENDING SECTION 61-129, IDAHO CODE, TO PROVIDE THAT THE TERM "PUBLIC UTILITY" SHALL COVER CASES RELATING TO CERTAIN PIPELINES AND TO PROVIDE THAT SUCH PIPELINES SHALL BE SUBJECT TO THE SAFETY SUPERVISION AND REGULATION OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 61-1004, IDAHO CODE, TO PROVIDE AN EXCEPTION TO CERTAIN FEE PROVISIONS FOR PIPELINE CORPORATIONS AND TO PROVIDE THAT FEES FOR PIPELINE CORPORATIONS SHALL BE CALCULATED TO RECOVER THE COMMISSION'S TIME AND EXPENSE DEVOTED TO THE SAFETY SUPERVISION AND REGULATION OF EACH PIPELINE CORPORATION; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 463  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO OIL AND GAS; AMENDING SECTION 47-318, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE A TECHNICAL

CORRECTION; AMENDING SECTION 47-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF THE OIL AND GAS CONSERVATION COMMISSION, TO REVISE PROVISIONS RELATING TO THE CONFIDENTIALITY OF CERTAIN EXPLORATORY AND WILDCAT WELLS, TO PROVIDE FOR THE USE OF WELL LOGS AND DIRECTIONAL SURVEYS IN ACTIONS TO ENFORCE SPECIFIED PROVISIONS, TO CLARIFY THAT CERTAIN SPECIFIC AUTHORITY OF THE COMMISSION SHALL NOT LIMIT ITS GENERAL AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-325, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF ATTACHMENTS BY DISTRICT COURTS, TO PROVIDE FOR THE ASSESSMENT OF CIVIL PENALTIES BY THE COMMISSION, TO PROVIDE THAT THE COMMISSION MAY BRING CIVIL ACTIONS FOR CERTAIN VIOLATIONS AND THREATS TO VIOLATE, TO PROVIDE FOR CERTAIN DAMAGES, TO REMOVE PROVISIONS RELATING TO THE SUBSTITUTION OF THE COMMISSION FOR PERSONS WHO HAVE BROUGHT SUITS, TO PROVIDE THAT CERTAIN CONDUCT SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR THE DISCRETION OF THE COMMISSION RELATING TO MINOR VIOLATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-326, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO ACTIONS AGAINST THE COMMISSION AND APPEALS, TO REVISE PENALTY PROVISIONS RELATING TO THE FALSIFICATION OF CERTAIN RECORDS AND TO CLARIFY APPLICABILITY RELATING TO LIMITATIONS ASSOCIATED WITH THE COMMENCEMENT OF CERTAIN ACTIONS; AMENDING SECTION 47-328, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONSTRUCTION OF SPECIFIED LAW AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 464**

##### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO OIL AND GAS; AMENDING SECTION 47-315, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE PUBLIC INTEREST; AMENDING SECTION 47-317, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT TO OCCUPY THE FIELD OF THE REGULATION OF OIL AND GAS EXPLORATION AND PRODUCTION, TO PROVIDE AN EXCEPTION, TO PROVIDE PROVISIONS LIMITING LOCAL RESTRICTIONS RELATING TO OIL AND GAS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF THE OIL AND GAS CONSERVATION COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-233, IDAHO CODE, TO PROVIDE THAT CERTAIN USES OF LOW TEMPERATURE GEOTHERMAL RESOURCES ARE NOT SUBJECT TO THE PROVISIONS OF A CERTAIN IDAHO CODE CHAPTER AND TO GRANT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES THE AUTHORITY TO INITIATE A CONTESTED CASE UPON CERTAIN CONDITIONS; AMENDING SECTION 42-3902, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-4003, IDAHO CODE, TO PROVIDE THAT CERTAIN USES OF GROUND WATER CLASSIFIED AS

A GEOTHERMAL RESOURCE OR MATERIAL MEDIUM ARE NOT SUBJECT TO THE PROVISIONS OF A CERTAIN IDAHO CODE CHAPTER, TO GRANT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES THE AUTHORITY TO INITIATE A CONTESTED CASE UPON CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 465 BY BUSINESS COMMITTEE AN ACT**

RELATING TO PUBLIC WORKS CONTRACTORS' LICENSES; AMENDING SECTION 54-1904, IDAHO CODE, TO REVISE THE NUMBER OF CLASSES OF LICENSES, TO REVISE A LICENSE FEE AND TO PROVIDE PROVISIONS RELATING TO A CLASS "CC" LICENSE AND RELATED FEES.

#### **HOUSE BILL NO. 466 BY BUSINESS COMMITTEE AN ACT**

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2601, IDAHO CODE, TO REVISE PROVISIONS RELATING TO POLICY AND PURPOSE, TO REVISE PROVISIONS RELATING TO THE UNIFORM PLUMBING CODE, TO ESTABLISH PROVISIONS RELATING TO THE IDAHO STATE PLUMBING CODE, TO ESTABLISH PROVISIONS RELATING TO CITIES ELECTING TO IMPLEMENT A PLUMBING CODE ENFORCEMENT PROGRAM, TO ESTABLISH PROVISIONS RELATING TO CITIES AND THE IDAHO STATE PLUMBING CODE, TO PROVIDE FOR A PUBLIC HEARING AND NOTICE; TO REVISE PROVISIONS RELATING TO APPLICATION OF LAWS AND TO MAKE TECHNICAL CORRECTIONS.

#### **HOUSE BILL NO. 467 BY BUSINESS COMMITTEE AN ACT**

RELATING TO HEATING, VENTILATION AND AIR CONDITIONING CONTRACTORS; AMENDING SECTION 54-5003, IDAHO CODE, TO REVISE A DEFINITION.

#### **HOUSE BILL NO. 468 BY BUSINESS COMMITTEE AN ACT**

RELATING TO MOBILE AND MANUFACTURED HOMES; AMENDING SECTION 44-2201, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INSTALLATION OF MOBILE AND MANUFACTURED HOMES; AND AMENDING SECTION 44-2202, IDAHO CODE, TO PROVIDE FOR AN INSTALLATION TAG, TO ESTABLISH PROVISIONS RELATING TO THE REQUIREMENT OF INSTALLATION TAGS, TO ESTABLISH PROVISIONS RELATING TO AN INSTALLATION TAG FEE, TO ESTABLISH PROVISIONS RELATING TO INSTALLATION PERMITS, TO ESTABLISH PROVISIONS RELATING TO INSPECTION OF INSTALLATIONS AND TO ESTABLISH PROVISIONS RELATING TO PERMIT FEES.

#### **HOUSE BILL NO. 469 BY BUSINESS COMMITTEE AN ACT**

RELATING TO CONVEYANCES IN BUILDINGS; AMENDING SECTION 39-8606, IDAHO CODE, TO REVISE REGULATION AND STANDARDS FOR CERTAIN

BUILDINGS AND TO MAKE A TECHNICAL CORRECTION;  
AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 470**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO LOANS; AMENDING SECTION 28-46-412, IDAHO CODE, TO PROVIDE FOR A MAXIMUM FEE FOR A PAYDAY LOAN AND TO PROVIDE FOR DISCLOSURE OF ALL FEES; AMENDING SECTION 28-46-504, IDAHO CODE, TO PROVIDE FOR DISCLOSURE OF ALL FEES AND INTEREST IN THE TITLE LOAN AGREEMENT; AND AMENDING SECTION 28-46-508, IDAHO CODE, TO PROVIDE FOR A MAXIMUM INTEREST RATE FOR A TITLE LOAN AND TO PROHIBIT A LENDER FROM FAILING TO DISCLOSE ALL FEES AND INTEREST.

**HOUSE BILL NO. 471**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1003, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 41-1004, IDAHO CODE, TO PROVIDE FOR AN EXEMPTION FROM A LICENSE FOR A PERSON ACTING UNDER A LICENSED BUSINESS ENTITY AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1081, IDAHO CODE, TO PROVIDE FOR FINDINGS OF THE LEGISLATURE AND PURPOSE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1082, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1083, IDAHO CODE, TO PROVIDE FOR A LIMITED LINES LICENSE FOR A VENDOR SELLING PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1084, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE SALE OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1085, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF A VENDOR HOLDING A LIMITED LINES LICENSE TO SELL PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1086, IDAHO CODE, TO PROVIDE FOR A VENDOR'S RESPONSIBILITY FOR THE ACTIONS OF ITS EMPLOYEES AND AUTHORIZED REPRESENTATIVES ACTING UNDER THE VENDOR'S LICENSE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1087, IDAHO CODE, TO PROVIDE FOR PENALTIES FOR A VENDOR VIOLATING THE REQUIREMENTS FOR THE SALE OR OFFERING OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1088, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE TERMINATION OR MODIFICATION OF A POLICY OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1089, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A VENDOR APPLYING FOR A LIMITED LINES LICENSE TO SELL OR OFFER PORTABLE ELECTRONICS INSURANCE;

AMENDING SECTION 41-1102, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PORTABLE CONSUMER ELECTRONIC INSURANCE ADJUSTER LICENSURE FOR A CLERICAL PERSON; AMENDING SECTION 41-1103, IDAHO CODE, TO PROVIDE THE MANNER IN WHICH CANADIAN RESIDENTS MAY BE LICENSED TO ADJUST CLAIMS; AMENDING SECTION 41-1104, IDAHO CODE, TO PROVIDE FOR BACKGROUND MATERIAL FOR CERTAIN PERSONS WITHIN ENTITIES APPLYING FOR ADJUSTER LICENSURE AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE JOINT RESOLUTION NO. 1**  
**BY STATE AFFAIRS COMMITTEE**  
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 15, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE MANNER OF PASSING BILLS; TO PROVIDE THAT NO BILL THAT PROVIDES FOR A NET INCREASE IN REVENUE, WHETHER THROUGH FEES OR TAXES, SHALL BECOME LAW WITHOUT THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

[H 455](#), [H 456](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), [H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), and [HJR 1](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1225](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[HJM 7](#) and [H 371](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 418](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mrs. McGeachin asked unanimous consent that [H 388](#) retain its place on the Third Reading Calendar until Monday, February 6, 2012. There being no objection, it was so ordered.

**[H 367](#) - FEDERAL TRANSIT AUTHORITY**

[H 367](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall [H 367](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Schaefer. Total – 1.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 367](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 369](#) - MILITARY DIVISION

[H 369](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [H 369](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 369](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 405](#) - ELECTRONIC CIGARETTES

[H 405](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 405](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick,

Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 405](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 382](#) - EDUCATION - PROFESSIONAL STUDIES ACCOUNT

[H 382](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 382](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 382](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 384](#) - HIGHER EDUCATION

[H 384](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 384](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 384](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, February 3, 2012. Seconded by Mr. Cronin. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:46 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk